

U.S.A. vs

James Michael Duke

No.

07cr3329 jm

The Court finds excludable delay, under the section indicated by check ( ☒ ),

commenced on 12-18-07 and ended on 3-21-08 ; ( )  
and ended on 3-21-08 . ( )

3161(h)

- ☐ (1) (A) Exam or hrg for **mental or physical incapacity**
- ☐ (1) (B) **NARA examination** (28:2902)
- ☐ (1) (D) State or Federal trials or **other charges pending**
- ☐ (1) (E) **Interlocutory appeals**
- ☐ (1) (F) **Pretrial motions** (from flg to hrg or other prompt dispo)
- ☐ (1) (G) **Transfers from other district** (per FRCrP 20, 21 & 40)
- ☐ (1) (J) **Proceedings under advisement** not to exceed thirty days
- ☐ Misc proc: Parole or prob rev, deportation, **extradition**
- ☐ (1) (H) **Transportation** from another district or to/from examination or hospitalization in ten days or less
- ☒ (1) (I) Consideration by Court of **proposed plea agreement**
- ☐ (2) **Prosecution deferred** by mutual agreement
- ☐ (3) (A) (B) **Unavailability of defendant or essential witness**
- ☐ (4) Period of **mental or physical incompetence** of defendant to stand trial
- ☐ (5) Period of **NARA commitment or treatment**
- ☐ (6) **Superseding indictment and/or new charges**
- ☐ (7) **Defendant awaiting trial of co-defendant** when no severance has been granted
- ☐ (8) (A) (B) **Continuances** granted per (h) (8)-use "T" alone if more than one of the reasons below are given in support of continuance
- ☒ (8) (B) (I) 1) Failure to grant a **continuance** in the proceeding would result in a **miscarriage of justice** and the ends of justice outweigh the best interest of the public and the defendant in a speedy trial.  
(Continuance - miscarriage of justice)
- 2) Failure to grant a **continuance** of the trial would result in a miscarriage of justice as the defendant has tendered a guilty plea to a magistrate judge and is awaiting a determination as to whether the plea will be accepted.  
(Continuance - tendered a guilty plea)
- ☐ (8) (B) (ii) 2) **Case unusual or complex**
- ☐ (8) (B) (iii) 3) **Indictment** following arrest **cannot be filed** in thirty (30) days
- ☐ (8) (B) (iv) 4) **Continuance** granted in order to obtain or substitute counsel, or give reasonable time to prepare  
(Continuance re counsel)
- ☐ 3161(I) Time up to **withdrawal of guilty plea**
- ☐ 3161(b) **Grand jury indictment time extended** thirty (30) more days

Date 12/18/07

DMH  
Judge's Initials

A  
B  
C  
D  
E  
F  
G  
H  
6  
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I  
M  
N  
O  
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T  
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W